

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
FLEMING BUILDING CO., INC. VS. NORTHEASTERN OKLAHOMA BUILDING AND CONSTRUCTION TRADES COUNCIL		For plaintiff: Frank B. Wolfe, III, Richard Barnes Kothe and Baggett <i>Matthews</i> , Inc. 204 Philtower Bldg. Tulsa, Oklahoma 74103 584-5182 For defendant: Maynard I. Ungerman Wright Bldg., Tulsa, Okla 74103 (584-6101)			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 4-1-73	Clerk	3/23/73	Wolfe	1500	
		3-29-73	C.D.No.43		15 00
J.S. 6 mailed 10-1-74	Marshal				
Basis of Action: Damages - Labor Mgmt. Rel. Act. of 1947	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-23-73	Petition filed, summons issued. jj	
3-29-73	Marshal's Service returned and filed. Served Summons and Petition on Robert A. Smith and Clayton Walker (Northeastern Okla. Bldg. & Const. Trades Council at Tulsa, Okla. on 3-28-73 (USM fee \$6.48) jj	
4-13-73	Deft's Appl for ext of time within which to plead or answer, filed. r	<i>copy of order</i>
4-17-73	Order granting deft. until 5-1-73 to file answer, filed. (LB-J)g	<i>yes mailed.</i>
5-1-73	Motion to Dismiss & Answer of Northeastern Okla. Bldg. & Construction Trades Council, Deft., with Brief in Support attached, filed. v	
5-4-73	Petitioner's Motion for Summary Judgment on Issue of Liability, filed. jj	
5-4-73	Brief in Support of Petitioner's Motion for Summary Jdgt on Issue of Liability, filed. jj	
5-8-73	Ordered by the Court that this case is set on the motion docket of May 24, 1973, at 9:00 A.M. (LB-J)v -parties notified.	
5-24-73	Hearing on Motions was passed. (LB-J)r	
7-19-73	Hearing held on deft's motion to dismiss and pltf's motion for S/J on issue of liability. Pltf's motion is overruled without prejudice and deft's motion is overruled without prejudice. Counsel to prepare formal order. Case to be set for pre-trial. Parties to prepare pre-trial statements and present to Court for final pre-trial order. (LB-J)hm	
7-24-73	Order, filed, denying pltf's motion for S/J on issue of liability and denying deft's motion to dismiss, each without prejudice. (LB-J)hm (copies mailed)	
7-30-73	Defendant's proposed issues of liability and damages, filed. ds	
7-31-73	Pltf's proposed statement of issues and contentions for pretrial conference, filed. hm	
8-9-73	Motion for Protective Order limiting Scope of oral examination, with Affidavit in support of Motion, and Notice = filed by Pltf. filed. r	
8-27-73	Hearing held on pltf's motion for protective order limiting scope of oral examination. Motion is sustained in part/ denied in part and parties to prepare an agreed-to order by 8-28-73. (LB-J)hm	
9-4-73	Order granting pltf's motion for protective order, filed. (LB-J)hm (copies mailed)	
9-6-73	Pltf. first set of interrog. to def., filed. m	
9-13-73	Case set for pre-trial hearing 9-26-73 at 1:30 P.M. (LB-J)hm	
9-19-73	Case passed from pre-trial hearing on 9-26-73. (LB-J)hm	
10-10-73	Case set for pre-trial hearing before Magistrate 10-24-73 at 9:30 a.m. (LB-J)hm	
10-10-73	Deft's answers to interrogatories, filed. hm	
10-10-73	Brief in support of deft's objections to interrogatories, filed. hm	
10-23-73	Case stricken from pre-trial hearing, to be reset. (MLB-Mag)hm	

(continued)

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-26-73	Case set for pre-trial hearing 12-10-73 at 10:30 a.m. (LB-J)hm	
11-29-73	Plaintiff's motion to compel answer to interrogatories, filed. ds	
12-10-73	Pre-trial hearing held. Statements made. Def't's ^{Pltf's} motion to compel answers to interrogatories granted & Pltf. ^{Pltf.} to file answers to interrog. Pltf. to prepare pre-trial order within 10 days and case to be set on next non-jury docket. (EST- $\frac{1}{2}$ day) (LB-J)hm	
12-13-73	Def. interrog. to pltf., filed. rm	
1-2-74	Joint motion for an extension of time to file pretrial order, filed. hm <i>city</i>	
1-7-74	Order granting joint motion for extending time to file pretrial order, filed, granting parties until 3-1-74 to file pretrial order. (LB-J)hm (copies mailed)	
3-15-74	Motion of Deft. to Compel Answers to Interrogatories, filed. v o to be in	
4-1-74	Hearing held on deft's motion to compel answers to interrogatories. Statements made. Motion sustained and pltf. directed to answer interrogatories within 10 days. Court sustains certain of deft's objections to pltf's interrogatories. Deft. counsel to prepare formal order. (LB-J)hm	
4-8-74	Order granting the deft's motion to compel answers to interrogatories, filed, directing pltf. to ans. interrog. by 4-10-74. (LB-J)hm (copies mailed)	
4-8-74	Order sustaining deft's objections to pltf's interrogatories, filed. (LB-J)hm (copies mailed)	
4-8-74	Pltf's Answers to Interrogatories, filed. e	
5-15-74	Pretrial order, filed. (LB-J)hm (ready for non-jury trial)	
6-4-74	Case set for non-jury trial 6-18-74 at 9:30 a.m. (LB-J)hm	
6-14-74	Ordered by the Court that this case is stricken from the Non-Jury Docket of June 17, 1974, to be reset on the next N-J Docket. (LB-J)v	
7-17-74	Case set for non-jury trial 7-25-74 at 1:30 p.m. (LB-J)hm	
7-25-74	Case tried to the Court. Parties represented and announce ready. At close of pltf's case, deft's motion for dismissal taken under advisement. By agreement of parties depositions of Raymond A. Miller, Jr., Sam D. Hicks (With exhibits) & Raymond Datta Miller, Jr., and all interrogatories and answers to interrogatories are received in evidence. After closing arguments, Court orders parties to file suggested F/F & C/L and pltf. to file brief, all within 10 days; deft. given 5 days thereafter to file answer brief. Court to then enter final F/F, C/L & Judgment. (LB-J)hm	
7-25-74	Exhibits, filed. hm	
7-25-74	Deposition of Raymond A. Miller, Jr., filed. (Fees: \$64.00)hm	
7-25-74	Deposition of Sam D. Hicks (with exhibits), filed. hm	
7-25-74	Deposition of Raymond Datta Miller, Jr., filed. hm	
8-2-74	Memorandum brief on damages, filed by Pltf.k	

Sheet No. 2, Page No. 4

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-5-74	Pltf's Proposed Findings of Facts and Conelusions of Law, filed. v	
8-5-74	Recommended Findings of Fact and Conclusions of Law, filed. v	
8-7-74	Memorandum brief of def. on issue of damages, filed. rm	
9-4-74	Findings of Fact and Conclusions of Law, filed. (LB-J)hm (copies mailed)	
9-4-74	Order and judgment, filed and entered, that deft. have judgment against pltf. and costs be assessed to pltf. (LB-J)hm (copies mailed)	
9-10-74	Bill of Costs, filed by Deft. v (Hrg. to be 9-17-74 at 10:00 A.M.)	
9-16-74	Motion for new trial filed by Plft. b	
9-16-74	Brief in Support of Motion for new trial, filed. b	
9-18-74	Bill of Costs taxed in the amt. of \$310.24, filed.jj	
12-6-74	Response BRIEF in Oppostion for Motion for New Trial of Deft. Northeastern Oklahoma Building and Construction Trades Council, filed. lm	
12-16-74	Case called for hearing on pltf's motion for new trial and passed, to be reset on next docket. (LB-J)hm	
1-23-75	MO: ordered by the Ct. that case is set for hrg. on pltf. mo/new trial for 10 a.m., 1/31/75. (LB-J)rm - notice	
1-31-75	Hearing held on pltf. mo/new trial. Parties rep. by counsel of record. Statements made. Pltf. mo/new trial denied. (LB-J)rm	
3-3-75	Notice of Appeal, filed by Pltf. v <i>copies to A</i>	
3-3-75	Bond for Costs on Appeal, filed. v <i>10th circuit</i>	
4-11-75	Order, filed, extending time for filing and docketing appeal to 5/12/75. (LB-J)rm - copies to counsel and USCA	
5-6-75	Order, filed, extending time for filing and docketing appeal to 6/2/75. (LB-J)rm - copies to counsel and USCA	
5-21-75	Transcript of Hearing on Plaintiff's Motion for Partial Summary Judgment & Defendant's Motion to Dismiss; Pretrial Conference; Non-Jury Trial; Motion for New Trial, had on 7/19/73, 12/10/73, 7/25/74, and 1/31/75, filed. (Frank M.Sickles_CR)rm	
5-21-75	Appeal record (4 volumes) transmitted to USCA. rm	
4-14-76	Mandate and opinion of USCA, filed and spread of record, affirming judgment of 9/4/74. rm	
4-19	Appeal record (4 vols) received from USCA. rm	